

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

BRENDA J. GULLEY

v.

BUFFALOE & ASSOCIATES, PLC

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NO. 2:12-CV-352

**REPORT AND RECOMMENDATION**

The district judge directed the magistrate judge to determine the costs and reasonable attorney fees incurred by plaintiff as of the date the defendant filed its offer of judgment. *See*, memorandum, opinion and order, doc. 36. The magistrate judge in turn directed plaintiff's counsel to file a verified statement of the time he expended on this case, as well as all expenses claimed, up to September 11, 2013, the date defendant filed its offer of judgment. That order also directed the defendant to file a response to plaintiff's counsel's verified statement; *see*, order, doc. 39.

Thereafter, counsel for plaintiff filed his verified statement as ordered, in which he claimed that he had expended 9.15 hours in representing plaintiff through September 11, 2013; that his hourly rate was \$250.00; and therefore the total attorney's fees he is claiming is \$2, 287.50. That verified statement also claimed an additional \$357.80 in expenses.<sup>1</sup>

As directed by the order of the magistrate judge, the defendant subsequently filed its

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<sup>1</sup> Doc. 40.

response, stating that it had no objection to either the claim for attorney's fees or the incurred expenses.

Accordingly, in light of defendant's lack of opposition to plaintiff's verified statement, there is no need to conduct a hearing, and it is recommended that this court award plaintiff's counsel a fee of \$2,287.50, plus an additional \$357.80 for incurred expenses, for a grand total of \$2,645.30.<sup>2</sup>

Respectfully submitted,

s/ Dennis H. Inman  
United States Magistrate Judge

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<sup>2</sup>Any objections to this report and recommendation must be filed within fourteen (14) days of its service or further appeal will be waived. 28 U.S.C. § 636(b)(1).